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September 4, 1992

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VIA FAX (913) 551-7521

Cynthia L. Hutchison
U.S.E.P.A., Region VII
726 Minnesota Avenue
Kansas City, KS 66101

RE: Docket No. VII-91-H-0025

Dear Ms. Hutchison:

As we discussed by telephone yesterday, Niedt Enterprises, Inc. f/k/a Steelcote Manufacturing Company and Niedt Realty Company, Respondents under the above-referenced Administrative Order on Consent, request an extension of time pursuant to 40 CFR §262.34(b) of thirty days in which to dispose of twelve drums of soil that is deemed to be hazardous waste as a result of the concentrations of xylene and toluene in the soil.

Under the terms of the Plan of Study which was submitted to, and approved by, EPA, the 90-day storage period commenced upon receipt by Respondents of the results of the chemical analyses of the soil. Shannon & Wilson received analytical results from ATAS for the last of the seven borings made at the site on June 8, 1992. Thus, the last day of the 90-day storage period is Tuesday, September 8, 1992. By this letter, Respondents request an extension of thirty days, to and including Thursday, October 8, 1992.

As we discussed, Respondents had arranged for the disposal of the drums of hazardous waste to take place this week. However, on Monday, August 31, the TSD facility, Southdown Environmental, contacted Respondents by telephone and told them that, because of the levels of xylene and toluene in the soil, it would take an additional three to

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four weeks to get approval from an incinerator. This was the first notice that Respondents had that there would be a problem in disposing of the materials before September 8. Respondents had provided the analytical results of the contents of the drums to Southdown Environmental approximately three weeks ago and had been told that disposal would take place before September 8.

As a result of these developments, it is highly unlikely that Respondents will be able to dispose of the twelve drums of hazardous waste by Tuesday, September 8. Thus, Respondents request the additional thirty days to (a) allow Southdown Environmental additional time to line up an incinerator, and (b) talk to other TSD facilities, including Peoria, to see whether other arrangements might be made.

Please respond as soon as possible so that we may plan accordingly. If you should have any questions, please do not hesitate to contact me.

Very truly yours,


Alphonse McMahon

AM/fmp

cc: Douglas A. Niedt
Donald McQueen